

REMARKS**Claim Rejection – Double Patenting:**

Paragraph 3 of the Action provisionally rejects claims 1-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of co-pending Application No. 10/118,092 (the '092 application). Applicant respectfully traverses this rejection because claims 1-16 of the present application are patentably distinct from claims 1-3 of the '092 application.

The claims of the '092 application are directed to embodiments where an antenna is fabricated on a non-metallized region within a metallized region. This is important because it prevents the conductive metallized region from effecting operation of the antenna.

Conversely, certain embodiments of the present invention are directed to a radio frequency device with the antenna formed in a non-metallized region, but with an electrical connection *connecting* the antenna formed in a non-metallized region to a surrounding metallized region. The antenna is connected with the metallized region in order to transform the entire metallized region into an antenna, enabling greater reading distance and greater data capacity. (See p. 2, lns. 12-15).

Accordingly, claim 1 recites “at least one electrical connection connecting the at least one antenna to the at least one metallized region such that the at least one metallized region acts as a second antenna.”

The '092 application does not teach such embodiments, nor do the claims of the '092 application include similar limitations. Accordingly, claims 1-3 of the '092 application do not include each and every element of the invention claimed in claim 1. Claim 1 is therefore patentably distinct from claims 1-3 of the '092 application. Applicant therefore, respectfully requests that the provisional rejection as to claim 1 be withdrawn.

Claims 2-6 ultimately depend from claim 1 and are therefore non-obvious over the '092 application for at least the reasons discussed above with respect to claim 1. Applicant therefore, respectfully requests that the provisional rejection as to claims 2-6 be withdrawn.

Similar to claim 1, claim 7 also recites "at least one electrical connection connecting the at least one antenna to the at least one metallized region such that the at least one metallized region acts as a second antenna." As discussed above, the '092 application does not teach such embodiments, nor do the claims of the '092 application include similar limitations. Accordingly, claim 7 is patentably distinct over claims 1-3 of the '092 application. Applicant therefore, respectfully requests that the provisional rejection as to claim 7 be withdrawn.

Claims 8-10 ultimately depend from claim 7 and are therefore non-obvious over the '092 application for at least the reasons discussed above with respect to claim 7. Applicant therefore, respectfully requests that the rejection as to claims 8-10 be withdrawn.

Similar to claims 1 and 7, claim 11 also recites “at least one electrical connection connecting the at least one antenna to the at least one metallized region such that the at least one metallized region acts as a second antenna.” Accordingly, claim 11 is patentably distinct over claims 1-3 of the ‘092 application. Applicant therefore, respectfully requests that the provisional rejection as to claim 11 be withdrawn.

Claims 12 and 13 ultimately depend from claim 11 and are therefore non-obvious over the ‘092 application for at least the reasons discussed above with respect to claim 11. Applicant therefore, respectfully requests that the rejection as to claims 12 and 13 be withdrawn.

Similar to claims 1, 7, and 11, claim 14 also recites “at least one electrical connection connecting the at least one antenna to the at least one metallized region such that the at least one metallized region acts as a second antenna.” Accordingly, claim 14 is therefore patentably distinct over claims 1-3 of the ‘092 application. Applicant therefore, respectfully requests that the provisional rejection as to claim 14 be withdrawn.

Claim 15 ultimately depends from claim 14 and is therefore non-obvious over the ‘092 application for at least the reasons discussed above with respect to claim 14. Applicant therefore, respectfully requests that the rejection as to claim 15 be withdrawn.

Objection to the Drawings:

Paragraph 4 of the Action objects to the drawings because figure 4 is not clear. As discussed in the Amendments to the Drawings above, a replacement sheet has been

included with this submission. Applicant respectfully requests withdrawal of this objection.

Claim Rejection under 35 U.S.C. § 102:

Paragraph 6 of the Action rejects claims 1-3, 5, 7, 8, 11, and 14 under 35 U.S.C. § 102(e) as being anticipated by Look (U.S. 6,894,615). Applicant respectfully traverses this rejection because Look fails to teach, suggest, or disclose every element of the claims.

Look concerns a combination tag that includes a retroreflective article and a radio frequency responsive element. The radio frequency responsive element includes an antenna formed in a non-metallized region. An antenna of a radio frequency device is normally kept separate from metallized areas on the device so that the metallized region does not interfere with the operation of the antenna.

Conversely, certain embodiments of the invention disclosed in the present application are directed to a radio frequency device with an electrical connection *connecting* the antenna formed in a non-metallized region with a surrounding metallized region. In the embodiments described in the present application the metallized region is connected with the antenna in order to transform the entire metallized region into an antenna, enabling greater reading distance and greater data capacity. (See p. 2, lns. 12-15).

Accordingly, claim 1 recites “at least one connection connecting the at least one antenna to the at least one metallized region such that the at least one metallized region acts as a second antenna.”

Contrary to the assertion contained in the Action, Look fails to teach or suggest such subject matter. In Look “the radio frequency-responsive element is operably coupled to the retroreflective article;” however, this does not mean that the radio frequency-responsive element and the retroreflective article are electrically connected. (See col. 1, lns. 55-56). In Look the radio frequency-responsive element and the retroreflective article share the same substrate, however, they are not electrically connected. In each of the metallized retroreflective examples in Look the radio frequency-responsive element is “spaced apart” from the metallized retroreflective article. (See col. 2, lns. 55-56; col. 4, lns. 62-65; col. 5, lns. 43-46). The “spacing apart” can also be seen in figures 2A, 5, and 6.

The retroreflective element in Look is basically a reflector. Therefore, the term “operably connected” used in Look simply means that the reflector and the radio device are on the same substrate where they can act in tandem to perform their respective functions. It does not mean that the two are electrically connected.

In fact, Look teaches that the radio frequency-responsive element and the metallized retroreflective article are “spaced apart” so that the retroreflective article does not “significantly interfere with the operation of” the radio frequency-responsive element. (See col. 2, 55-58). Therefore, in contrast to the embodiments taught in the present application and as claimed in claim 1, Look teaches that an electrical connection between the radio frequency-responsive element and the retroreflective article will interfere with

the operation of the frequency responsive element, not enhance the operation by connecting the antenna to a metallized region and transforming the metallized region into a second antenna.

Accordingly, Look does not teach each and every element of the invention claimed in claim 1. Applicant therefore, respectfully requests that the rejection as to claim 1 be withdrawn.

Claims 2-3, and 5 ultimately depend from claim 1 and are allowable for at least the reasons discussed above with respect to claim 1. Applicant therefore, respectfully requests that the rejection as to claims 2-3, and 5 be withdrawn.

Claim 7 includes the limitation of “at least one connection connecting the at least one antenna to the at least one metallized region such that the at least one metallized region acts as a second antenna,” which, as discussed above with respect to claim 1, Look fails to teach. Claim 7 is therefore allowable for substantially the same reasons as claim 1. Applicant therefore, respectfully requests that the rejection as to claim 7 be withdrawn.

Claim 8 ultimately depends from claim 7 and is allowable for at least the reasons discussed above with respect to claim 7. Applicant therefore, respectfully requests that the rejection as to claim 8 be withdrawn.

Claim 11 includes the limitation of “at least one connection connecting the at least one antenna to the at least one metallized region such that the at least one metallized region acts as a second antenna,” which, as discussed above with respect to claims 1 and

7 Look fails to teach. Claim 11 is therefore allowable for substantially the same reasons as claims 1 and 7. Applicant therefore, respectfully requests that the rejection as to claim 11 be withdrawn.

Claim 14 includes the limitation of “at least one connection connecting the at least one antenna to the at least one metallized region such that the at least one metallized region acts as a second antenna,” which, as discussed above with respect to claims 1, 7, and 11 Look fails to teach. Claim 14 is therefore allowable for substantially the same reasons as claims 1, 7, and 11. Applicant therefore, respectfully requests that the rejection as to claim 14 be withdrawn.

Claim Rejections under 35 U.S.C. § 103:

Paragraph 8 of the Action rejects claims 4, 6, 9, 10, 12, 13, 15, and 16 under 35 U.S.C. § 103(a) as being obvious in view of Look. Applicants respectfully traverse the rejection because Look fails to make out a *prima facie* case of obviousness.

Claims 4 and 6 ultimately depend from allowable claim 1 and are therefore non-obvious over Look for at least the reasons discussed above with respect to claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejections as to claims 4 and 6.

Claims 9 and 10 ultimately depend from allowable claim 7 and are therefore non-obvious over Look for at least the reasons discussed above with respect to claim 7. Accordingly, Applicant respectfully requests withdrawal of the rejections as to claims 9 and 10.

Claims 12 and 13 ultimately depend from allowable claim 11 and are therefore non-obvious over Look for at least the reasons discussed above with respect to claim 11. Accordingly, Applicant respectfully requests withdrawal of the rejections as to claims 12 and 13.

Claim 15 ultimately depends from allowable claim 14 and is therefore non-obvious over Look for at least the reasons discussed above with respect to claim 14. Accordingly, Applicant respectfully requests withdrawal of the rejection as to claim 15.

Claim 16 includes the limitation of “at least one connection connecting the at least one antenna to the at least one metallized region such that the at least one metallized region acts as a second antenna,” which, as discussed above with respect to claims 1, 7, 11, and 14, Look fails to teach. Claim 16 is therefore non-obvious over Look. Applicant therefore, respectfully requests that the rejection as to claim 16 be withdrawn.

Paragraph 9 of the Action rejects claims 1-16 under 35 U.S.C. § 103(a) as being obvious in view of Rietzler (US Pub. 2002/0160786). Rietzler is, however, disqualified as prior art under 35 U.S.C. § 103(c) because the present application and the Rietzler reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same entity, as stated in the Statement of Common Ownership included with this submission. Accordingly, Applicant respectfully requests withdrawal of the rejections as to claims 1-16.

CONCLUSION

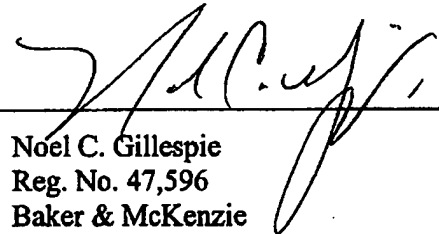
Applicant believes that given the above amendments and remarks, the claims are now in condition for allowance and such is respectfully requested. No new claim fees are believed to be necessitated by this response. A check for a two month extension of time is included herewith. The Examiner is requested to charge any additional fees that may be due with this response to deposit account 13-0480 referencing attorney docket no. 6714929-001200.

Respectfully submitted,

Date:

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Amendments to the Drawings:

A “Replacement Sheet” for figure 4 has been included with this submission.